

From: [Pat Deibert](#)
To: [Berglund, Jeff](#)
Subject: Re: Question on state plan
Date: Thursday, October 16, 2014 8:25:47 AM

Hi Jeff -

A few quick thoughts - where and when noise is measured is important - otherwise you can pick up all kinds of noise the bird doesn't face while on the lek. All kinds of anthropogenic noise is important as well.

As for an agreement - I would prefer to not see that as an initial offering. There may be situations where that is workable but it's a better reg mech if an exception has to be brought to the "oversight" team . And it needs to be based on data....

The science on noise is incomplete primarily because it's in its infancy. But to me that's more reason to manage noise very conservatively vs not.

My thoughts - I'm in a meeting but give me a call or text if you want to talk further (307 256 2156)

P

Sent from my iPhone

On Oct 16, 2014, at 6:56 AM, "Berglund, Jeff" <jeff_berglund@fws.gov> wrote:

Hi Pat. Did you have any thoughts on the WY vs MT noise stipulation (see below)? We're meeting with the Gov's Office tomorrow morning. Thanks!

J

----- Forwarded message -----

From: **Berglund, Jeff** <jeff_berglund@fws.gov>

Date: Thu, Oct 9, 2014 at 1:19 PM

Subject: Re: Question on state plan

To: Noreen Walsh <noreen_walsh@fws.gov>

Cc: Michael Thabault <michael_thabault@fws.gov>, Pat Deibert <pat_deibert@fws.gov>

Sorry I missed this - just returned to the office. I hadn't looked at the WY EO for awhile - maybe Pat can weigh in on that also regarding how comfortable we are with the WY stipulation. Looks like the main differences are that MT relegates the stipulation to construction only (vs operation, maintenance, etc. in WY), the MT hourly restriction period is shorter by 3 hours, but does extend through the whole breeding season (7/15 vs WY at 5/15), MT doesn't specify where or when measurements are taken (perimeter of lek at sunrise in WY), MT allows for an alternate, site-specific agreement in lieu of stipulation compliance, and MT sort of punts to the MSGOT to recommend further stipulation adjustments.

Here's the comparison:

WY EO:

Noise: New noise levels, at the perimeter of a lek, should not exceed 10 dBA above ambient noise (existing activity included) from 6:00 p.m. to 5:00 am. during the initiation of breeding (March 1 May 15). Ambient noise levels should be determined by measurements taken at the perimeter of a lek at sunrise.

MT EO:

<image.png>

On Thu, Oct 9, 2014 at 8:44 AM, Noreen Walsh <noreen_walsh@fws.gov> wrote:

he says it is the same noise restriction in WY? Can you help

Noreen Walsh
Regional Director
Mountain-Prairie Region
U. S. Fish and Wildlife Service

On Oct 8, 2014, at 3:38 PM, Michael Thabault <michael_thabault@fws.gov> wrote:

FYI for tomorrow.

Michael Thabault
Assistant Regional Director
Ecological Services
Mountain Prairie Region

Begin forwarded message:

From: "Deibert, Pat" <pat_deibert@fws.gov>
Date: October 8, 2014 at 2:44:31 PM MDT
To: Noreen Walsh <noreen_walsh@fws.gov>
Cc: Michael Thabault <michael_thabault@fws.gov>
Subject: Fwd: Question on state plan

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From: **Berglund, Jeff** <jeff_berglund@fws.gov>
Date: Wed, Oct 8, 2014 at 2:37 PM
Subject: Re: Question on state plan
To: Pat Deibert <pat_deibert@fws.gov>
Cc: Jodi Bush <jodi_bush@fws.gov>

So it's not necessarily that it wouldn't work - it's that we were pushing for more conservation benefit (more

certainty) via application of a larger buffer, given the differences between WY and MT:

- The WY EO applies to most state activities – all state activities/agencies must comply (unsure of the MT regulatory scope, but requested State review),
- WY core contains 84% of their GSG population (MT contains 76%),
- WY GSG habitat primarily occurs in contiguous public ownership blocks (MT more fragmented),
- In WY, core areas were mapped to include additional habitat beyond that strictly necessary to prevent Endangered Species Act listing of the GSG, with the intent that the additional habitat would accommodate continuation of existing land uses and landowner activities (MT Strategy did not enact a similar approach),
- WY core habitat encompasses 35% of GSG habitat (MT 28% and would need to add approximately 2.2 mil ac of core to approximate the WY figure);
- In WY, 37% of core occurs in private ownership and 54% in federal ownership (MT 54% of core occurs in private ownership and 35% in federal ownership - so potentially less regulatory scope).
- There is early evidence based on a 40% reduction in leased hectares within core areas that WY policy is reducing potential for future fragmentation inside core areas (Copeland et al. 2013), but the 5% anthropogenic disturbance cap may still lead to some GSG decline in core areas (WY good, but still not perfect).
- Given these differences, and based on disturbance and nesting distance from leks in MT, studies cited in an extensive literature review distributed to the council by FWP, and other studies, FWS recommended the council increase the lek NSO to > 0.6 miles to **bolster the conservation benefit of the Strategy**.
- 4 miles ideal, but left it to council to determine what they were willing/able to do along the **continuum** between 0.6 and 4 miles. Council elected 1 mile - FWS supported that as being an **improvement** over 0.6 mile and adding to Strategy effectiveness.
- Also, the noise measure in the EO is really weak, so it really doesn't add much to the

conservation package (as it does in WY).

Hope this helps.

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got leks?

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